IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 941 OF 2003.
WITH
WRIT PETITION NO. 942 OF 2003.

Rajendra Pralhad Ghute & Anr.... .... Petitioners
V/s
The State of Maharashtra & Ors..... .....
Respondents.

Mr.A.V.Anturkar, Adv. For the petitioners.

Mr.Usha Kejriwal, APP for the State.

CORAM: V.G.
PALSHIKAR
AND
V.R.KINGAONKAR,
JJ.

8.3.2006.

PC:

1. We have seen the order passed by this Court (Coram:C.K.Thakar, C.J. (as His Lordship then was) and Smt.V.K.Tahilramani, J.) dated 8.8.2003. There are seven tankers, which are involved in this matter. As stated in the order dated 8.8.2003, two tankers have been already sold by the petitioner.

2. So far as the remaining five tankers, are concerned, this Court had directed that the petitioner to furnish solvent security, to the satisfaction of the learned Sessions Judge, coupled with an undertaking and an affidavit that they will neither sell nor create any third party interest, on those five tankers, without the permission of the learned Sessions Court. Accordingly the bank guarantee of Rs.7.5 lakhs has been offered by the petitioner, and the

undertaking is also given.

3. Admittedly the petitioner, is acquitted by the learned Judicial Magistrate First Class, by the order passed on 15.4.2003 in Regular Criminal Case No.304 of 2002 of the charges under section 3 and 7 of the Essential Commodities Act and of the charges of the contravention of the Motor spirit and the High Speed Diesel (Prohibition and Malpractices) Supply Distribution Order 1998 and Section 420 of the Indian Penal Code. Against the said judgment and order, Criminal Appeal No.862 of 2003 was filed in this Court and that appeal, is dismissed by this Court (Coram: A.S.Aguiar, J.) by a speaking order.

4. In yet another proceeding viz. In Regular Criminal Case No.303 of 2002 also the order of acquittal was passed, and against that Judgment and order in Criminal Appeal No.861 of 2003 was filed. This proceeding was in respect of Tankers. The said proceeding is also disposed of and dismissed by this Court (Coram: A.S.Aguiar, J.) by the order dated 20th January, 2004.

5. In the light of the aforesaid orders passed in Regular Criminal Case No.304 of 2002 dated 15th April, 2003 passed by the learned Judicial Magistrate, First Class, Karad and the order passed by the learned Judicial Magistrate, First Class, Karad, Dist. Satara in Regular Criminal Case No.303 of 2002 dated 15.4.2003 stands confirmed.

6. It is an admitted position, that in the aforesaid orders inter alia the direction has been given to dispose off the petroleum product referred to in the said Criminal cases.

7. In the light of the aforesaid orders passed by this Court, (Coram:

Aguiar, J.) the aforesaid orders, inter alia including the direction for the disposal of the petroleum product contained in the said judgment and order stands confirmed by this Court.

8. It appears that against part of the order passed in the Order dated 15.4.2003 in Regular Criminal Cases No.304 of 2002 and 303 of 2002 two Criminal appeals have been filed in the Sessions Court being Criminal Appeal No.11 of 2003 as well as Criminal Appeal No.20 of 2003. Both these Criminal Appeal Nos.10 and 11 of 2003 are pending before the learned Additional Session Judge, Karad. In the light of the fact that the order passed in Regular Criminal Case Nos.303 and 304 of 2002 dated 15.4.2002 is now confirmed, by this Court, the said Criminal Appeal Nos. 10 and 11 of 2003 have become infructuous.

9. With this observation the Criminal Writ Petition Nos.941 and 942 of 2003 stand disposed off. Rule made absolute accordingly with no order as to costs.